

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MELISSA KAYE,

PLAINTIFF,

-against-

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION;  
ELIZABETH FORD; ABHISHEK JAIN; JONATHAN WANGEL; and  
PATRICIA YANG (in their official and individual capacities and as  
aiders and abettors)

18-CV-12137  
(JPC)(JLC)

DEFENDANTS.  
..... X

**DECLARATION OF SPECIAL HAGAN IN SUPPORT OF PLAINTIFF'S RESPONSES  
MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

I, SPECIAL HAGAN, declare, pursuant to 28 U.S.C. § 1746 under penalty of perjury  
that the foregoing is true and correct:

- 1) I represent plaintiff MELISSA KAYE, M.D., as such, I am familiar with the facts and  
circumstances underlying this action. Accordingly, I submit this declaration in opposition to  
defendants' motion for summary judgment.
- 2) Plaintiff respectfully requests oral argument on this motion.
- 3) Attached hereto as Exhibit 1 is the American Academy of Psychiatry and the Law's  
Guidelines on Forensic Psychiatry.
- 4) Attached hereto as Exhibit 2 is Plaintiff's 56.1 Statement.
- 5) Attached hereto as Exhibit 3 is Dr. Kaye's Personnel Action Form dated August 16, 1999  
bearing the bates stamp series: D00029

- 6) Attached hereto as Exhibit 4 is Dr. Kaye's Personnel Action Form dated May 2, 2000, baring the bates stamp series: D00028.
- 7) Attached hereto as Exhibit 5 is Dr. Ciric's Personnel Action Form dated July 1, 2001, baring the bates stamp series: D00049.
- 8) Attached hereto as Exhibit 6 is the Curriculum Vitae of Melissa Kaye, M.D., baring the bates stamp series: NYC002544.
- 9) Attached hereto as Exhibit 7 is the Curriculum Vitae of Steven Ciric, M.D. baring the bates stamp series: D000397-D000400.
- 10) Attached hereto as Exhibit 8 is the collective bargaining agreement for Doctors Council.
- 11) Attached hereto as Exhibit 9 are Defendants' Responses to Plaintiff's Requests for Admission (RFA).
- 12) Attached hereto as Exhibit 10 is the Declaration of Melissa Kaye, M.D. (Kaye Decl.).
- 13) Attached hereto as Exhibit 11 is the Deposition of Barry Winkler, PsyJD (Winkler Dep.).
- 14) Attached hereto as Exhibit 12 is Dr. Kaye's FMLA Application dated October 12, 2018, baring the bates stamp series: NYC002534-NYC002537.
- 15) Attached hereto as Exhibit 13 is an Email from Wangel dated October 29, 2018 with the Subject: Timesheet not Processed, baring the bates stamp series: NYC002487-NYC002488.
- 16) Attached hereto as Exhibit 14 is an Email from Mendez with the Subject: Melissa Kaye/ FMLA To care for Ill Family Member; Leave Approval Retro, baring the bates stamp series: Kaye4thProd0168-Kaye4thProd0169).

- 17) Attached hereto as Exhibit 15 is an Email from Kaye dated June 21, 2019 with the Subject: FMLA Annual Schedule and Balance, baring the bates stamp series: NYC002954-NYC002957.
- 18) Attached hereto as Exhibit 16 is an Email from Kaye dated November 26, 2019 with the Subject: Pay Deductions Grievance Sought, baring the bates stamp series: NYC003169-NYC003172.
- 19) Attached hereto as Exhibit 17 is the Deposition of Melissa Kaye, M.D. (Kaye Dep. as taken on 11/15/21).
- 20) Attached hereto as Exhibit 18 is the Deposition of Patricia Yang, D.Ph. (Yang Dep. as taken on 2/228/20).
- 21) Attached hereto as Exhibit 19 is an Email from Yang dated February 1, 2019 with the Subject: Judge Torres wants to Hold Us in Contempt, baring the bates stamp series: NYC00075-NYC00076.
- 22) Attached hereto as Exhibit 20 is the Deposition of Jeffrey Bloom, Esq. (Bloom Dep.).
- 23) Attached hereto as Exhibit 21 is an Email from Bloom dated December 9, 2019 with the Subject 730 List, baring the bates stamp series: Kaye6thProd00557-Kaye6thProd00559.
- 24) Attached hereto as Exhibit 22 is an Email from Bloom dated December 18, 2019 with the Subject: Butler, baring the bates stamp series: Kaye6thProd00564-Kaye6thProd00566.
- 25) Attached hereto as Exhibit 23 is an Email from Jain dated December 18, 2019 with the Subject: Butler, baring the bates stamp series: Kaye6thProd00571-Kaye6thProd00575.
- 26) Attached hereto as Exhibit 24 is an Email from Bloom dated January 16, 2019 with the Subject: Travel on Fridays Kaye6thProd00602-Kaye6thProd00609.

- 27) Attached hereto as Exhibit 25 is a Memorandum of Agreement between Doctors Council; Health and Hospitals Corporation; and the City of New York, bearing the bates stamp series: NYC00008-NYC00015.
- 28) Attached hereto as Exhibit 26 is an Email from Barrow, Colleen dated 11/15/18 with the Subject: Dr. Kaye Retention Bonus Payment, bearing the bates stamp series: NYC00866.
- 29) Attached hereto as Exhibit 27 is the Timesheet Profile Request dated November 16, 2018, bearing the bates stamp series: NYC003421.
- 30) Attached hereto as Exhibit 28 is the Deposition of Jonathan Wangel, Esq. (Wangel Dep.)
- 31) Attached hereto as Exhibit 29 is Excerpts from "Sometimes Amazing Things Happen," by Elizabeth Ford, M.D.
- 32) Attached hereto as Exhibit 30 is an Email from Jain dated May 11, 2018 with the Subject: Titles, bearing the bates stamp series: NYC00216.
- 33) Attached hereto as Exhibit 31 is the Deposition of Andrea Swenson (Swenson Dep.).
- 34) Attached hereto as Exhibit 32 is an Email from Wangel dated July 11, 2018 with the Subject: FPECC Question, bearing the bates stamp series: NYC00369-NYC00370.
- 35) Attached hereto as Exhibit 33 is Dr. Kaye's Complaint to the Board of Correction dated January 7, 2020.
- 36) Attached hereto as Exhibit 34 is an Email from Kaye dated July 12, 2019 with the Subject: Request for a Reasonable Accommodation, bearing the bates stamp series: NYC004126-NYC004130.

- 37) Attached hereto as Exhibit 35 is an Email from Greenfield dated July 12, 2019 with the Subject: Re: Request for a Reasonable Accommodation, -Melissa Kaye (Attorney Client Privilege), baring the bates stamp series: NYC001598-NYC001601.
- 38) Attached hereto as Exhibit 36 is an Email from Kaye dated August 16, 2019 with the Subject: Re: Request for a Reasonable Accommodation, baring the bates stamp series: NYC001642-NYC001643.
- 39) Attached hereto as Exhibit 37 is H + H's Personnel Policy and Regulations.
- 40) Attached hereto as Exhibit 38 is the Deposition of Elizabeth Ford, M.D. (Ford Dep.)
- 41) Attached hereto as Exhibit 39 is the Managing Dual Roles Policy as signed by Dr. Ford, dated December 21, 2018.
- 42) Attached hereto as Exhibit 40 is Health and Hospital Corporation's Press Release for Patricia Yang dated June 18, 2015.
- 43) Attached hereto as Exhibit 41 is Email from Swenson dated March 7, 2019 with the Subject: I am making mistakes so you don't have to (NYC002606-NYC002607).

Dated: Queens, New York  
June 11, 2022

Respectfully submitted,

/s/

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SPECIAL HAGAN, ESQ.  
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